

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
BRENDAMARIE ALEXANDER, :

Plaintiff, :

19-CV-7023 (JMF) (SDA)

-v- :

ORDER

NEW YORK CITY DEPARTMENT OF EDUCATION :

et al., :

Defendants. :

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JESSE M. FURMAN, United States District Judge:

In light of the circumstances surrounding COVID-19, the Court will not hold the upcoming conference in this case in person. Counsel should submit their joint status letter on ECF no later than the Thursday prior to the conference, the contents of which are described below. In their joint letter, the parties should also indicate whether they can do without a conference altogether. Unless and until the Court orders otherwise, all existing dates and deadlines — including, as appropriate, the deadlines for summary judgment motions and/or a proposed joint pretrial order, as set forth in the Case Management Plan and Scheduling Order — remain in effect.

The joint letter shall not exceed five (5) pages, and shall provide the following information in separate paragraphs:


- (1) A brief statement of the nature of the action and the principal defenses thereto;
- (2) A brief explanation of why jurisdiction and venue lie in this Court. In any action in which subject matter jurisdiction is founded on diversity of citizenship pursuant to Title 28, United States Code, Section 1332, the letter must explain the basis for the parties' belief that diversity of citizenship exists. Where any party is a corporation, the letter shall state both the place of incorporation and the principal place of business. In cases where any party is a partnership, limited partnership, limited liability company, or trust, the letter shall state the citizenship of each of the entity's members, shareholders, partners, and/or trustees. *See, e.g., Handelsman v. Bedford Vill. Assocs. L.P.*, 213 F.3d 48 (2d Cir. 2000).
- (3) A statement of all existing deadlines, due dates, and/or cut-off dates;
- (4) A brief description of any outstanding motions;

- (5) A brief description of any discovery that has already taken place and of any discovery that is necessary for the parties to engage in meaningful settlement negotiations;
- (6) A list of all prior settlement discussions, including the date, the parties involved, and the approximate duration of such discussions, if any;
- (7) A statement confirming that the parties have discussed the use of alternate dispute resolution mechanisms and indicating whether the parties believe that (a) a settlement conference before a Magistrate Judge; (b) participation in the District's Mediation Program; and/or (c) retention of a privately retained mediator would be appropriate and, if so, when in the case (*e.g.*, within the next sixty days; after the deposition of plaintiff is completed; after the close of fact discovery; etc.) the use of such a mechanism would be appropriate; and
- (8) Any other information that the parties believe may assist the Court in advancing the case to settlement or trial, including, but not limited to, a description of any dispositive issue or novel issue raised by the case.

After reviewing the parties' joint status letter, the Court will issue an order indicating whether the conference is cancelled and addressing any other relevant deadlines and information. If a conference is held, it will be by telephone, albeit perhaps at a different time. To that end, if counsel believe that a conference would be appropriate, they should indicate in their joint status letter dates and times during the week of the currently scheduled conference that they would be available for a telephone conference. In either case, counsel should review and comply with the Court's Individual Rules and Practices in Civil Cases, available at <https://nysd.uscourts.gov/hon-jesse-m-furman>.

SO ORDERED.

Dated: June 7, 2022
New York, New York



JESSE M. FURMAN
United States District Judge